

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TERADATA CORPORATION, et al.,  
Plaintiffs,  
v.  
SAP SE, et al.,  
Defendants.

Case No. [18-cv-03670-WHO](#)

**TENTATIVES FOR OCTOBER 13  
HEARING**

Below are tentatives for the law and motion hearing today. Each side may have 45 minutes to argue any issues raised by the motions.

**(1) SAP Motion for Summary Judgment – GRANT in part and DENY where moot**

**a. Do Teradata's technical trade secret claims fail?**

i. A: Yes. Teradata's technical trade secret claims concern the Batched Merge method. Teradata does not have standing to pursue its Batched Merge method claim because it assigned away its rights to sue for misappropriation of the Batched Merge method to a third-party. Even if Teradata had standing, it failed to protect the confidentiality of the alleged trade secret by marking it. And even if Teradata sufficiently protected the trade secret, SAP had the contractual right to use it under the SDCA. GRANT summary judgment.

**b. Teradata's motion to exclude Kraska's expert testimony**

i. DENIED as moot. Not relied on and Teradata's technical trade secret claims fail.

**c. Teradata's motion to exclude Horn's expert testimony**

i. GRANTED in part and DENIED in part. Horn is precluded from testifying that Teradata's allegedly stolen confidential information are trade secrets (a legal opinion) but he can testify to the factual issue of whether the information was ascertainable to others outside of Teradata. Teradata's other arguments go to weight and not admissibility and are DENIED.

d. Do Teradata's business trade secret claims under the DTSA fail?

i. A: Moot. Teradata dropped its business trade secret claims under the DTSA but it will continue to assert its claims under the CUTSA. DENY summary judgment as moot.

e. Does Teradata's tying claim fail?

i. A: Yes. Under the rule of reason, there is no genuine dispute of fact because SAP has failed to show evidence of a properly defined tied market, a properly defined tying market, and substantial harm to competition. GRANT summary judgment.

f. **SAP's motion to exclude Asker's expert testimony**

i. GRANTED because Asker fails to use reliable methodology.

g. **Teradata's motion to exclude Mehrotra's expert testimony**

i. DENIED because Mehrotra properly examined the architecture and design of HANA and S/4HANA. The arguments challenge credibility not admissibility.

## (2) **Teradata's Motion for Summary Judgment – GRANT**

a. Is the '321 Patent is invalid?

i. A: Yes. It is directed to the abstract idea of organizing data into logical groups. It does not have an inventive concept.

b. May SAP seek damages for alleged infringement of the '421 and '179 patents before May 21, 2019?

i. A: No. SAP concedes this argument.

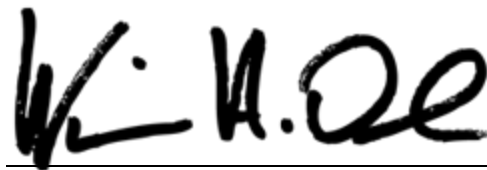
c. **Teradata's motion to exclude Leonard & Wolfson's** expert testimony

- i. DENIED in part as moot for the antitrust and '321 Patent arguments. DENIED on the merits for Teradata's motion to exclude Wolfson's apportionment analysis. The arguments go to weight not admissibility. Because Wolfson's apportionment factors are proper, Leonard's Profit Apportionment Approach for the '421 and '179 Patents should not be excluded as well.

(3) Below is a question for SAP:

- a. In the '321 Patent, what is the inventive concept, if any, and where is it explained in the patent?

Dated: October 12, 2021



William H. Orrick  
United States District Judge